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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/163,844	09/30/1998	CHRISTOPHER A. HOFMEISTER	390-008105-U	5953

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PERMAN & GREEN
425 POST ROAD
FAIRFIELD, CT 06430

EXAMINER

UNDERWOOD, DONALD W

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/163,844

Applicant(s)

Hofmeister

Examiner

Underwood

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

Decision by the Board mailed 07/22/04

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) NONE is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 7, 19-23 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8, 18, 26 is/are rejected.
- 7) ☒ Claim(s) 24, 25, 27, 28, 29 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Detailed Action

1. The finality of the office action mailed 04/05/02 is withdrawn and the following action taken in view of comments set forth in the Decision by the Board mailed 07/22/04. Particularly, note pages 15, 16 and 21 of the Decision.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Bacchi.

It would have been an obvious substitution of equivalents to substitute an arm utilizing two drives as taught by Bacchi for the arm in Fukasawa. Note this rejection was affirmed by the Board of Appeals in the decision dated 07/22/04.

Note the decision, page 14, lines 13-16; page 16, lines 21-29; and page 17, lines 14-19.

4. Claims 5 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Bacchi as applied in the preceding rejection.

It would have been an obvious substitution of equivalents to substitute an arm utilizing two drives as taught by Bacchi for the arm in Fukasawa.

Note the location of the arm pivot in Fukasawa is between stations 4a and 4b. It would have been obvious to place this substituted arm of Bacchi in the same location as

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the arm in Fukasawa providing an arm with the translations axes being on opposite sides of the arm pivot.

The position taken by the Board on pages 20 and 21 of the decision that the examiner's basis for rejecting claim 28 is unclear is noted. Claim 28 is rejected as set forth above, i.e., over Fukasawa in view of Bacchi. A substitution held to be obvious by the Board as noted in paragraph 3 above. However, it should be further noted that Fukasawa moves wafers into and out of stations 4a, 3a on one side and 4b, 3b on another side and that Bacchi shows straightline movement in figure 6A, i.e., a straightline path through the center of station 168r and a straightline path through the center of station 168l. Thus when the arm in Bacchi is substituted for the arm in Fukasawa it would move wafers along parallel straightlines on opposite side of the base. These straightlines would be through the centers of stations 4a, 3a on one side and 4b, 3b on another side. This movement along these parallel straightlines would meet the movement along parallel straightlines set forth in claim 28.

5. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Bacchi as applied in the preceding rejection and further in view of the following comments.

It would have been obvious to increase the number of chambers such that the axis of translation of a substrate into and out of these chambers are generally parallel. Note lines 24-29 on page 15 and lines 1-20 on page 16 of the Decision by the Board mailed 07/22/04.

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6. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukasawa in view of Bacchi, as applied in the preceding rejection, and newly cited Genov et al.

Genov teaches using a plurality of stations located in a side by side arrangement. See Genov, figure 2.

It would have been obvious to add work chambers in Fukasawa adjacent 4a, 4b in view of the above noted teaching in Genov to provide for additional processing.

7. Claims 6, 7 and 19-23 are allowed.

8. Claims 24, 25 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication should be directed to D. Underwood at telephone number (703) 308-1112.

Underwood/vs
January 19, 2005

W. J. W. Underwood 01/31/05
DONALD W. UNDERWOOD
PRIMARY EXAMINER

R. O. Underwood
Director TC 3642